/216 cont./

687 [626] 683 There is no special punishment for cowardice in war. The warriors, however, mock the coward in front of the girls and make him ridiculous in their eyes. One who makes anyone ill through sorcery pays a head of cattle to the one bewitched. If the latter dies, the sorcerer must pay the fine levied for murder and is himself driven away.

681 The death penalty is carried out in that a band of armed men attack the defenseless sinner and kill him with spears. For a war /217/ traitor the execution is carried out by warriors, for an arsonist, by those injured by him. Fines are usually paid in installments. In general their amount is not fixed for the individual offenses. In the one area this, in the other that is regarded as the norm. Diminished ability to pay because of precious livestock sicknesses or unsuccessful wars naturally lowers the fine. Moreover, if in the district the fellow members of the lineage or tribe of the perpetrator have a preponderance in numbers or power over those of the injured one, the fines are considerably smaller than in the opposite case; then murder is often punished as negligent homicide, or many a time even left entirely unpunished, just like other crimes or misdemeanors. [672] Irresponsibility is regarded as mitigating in some districts, in others not. An attempt is not punished. Self-defense is not mitigating.

[714] [701] [684] [685] A degrading punishment exists only for the warriors and consists of cutting off the guilty man's braid-coiffure, as is well known, one of the insignia of his standing. This punishment is said to be inflicted most frequently for rape committed on a married woman, less often also as additional punishment for theft. Innocent accused persons are remunerated with a goat or a sheep. The mentally ill occupy an exceptional position in the legal world only insofar as they are unable to pay fines. In most cases their people are then liable. The latter therefore keep in fetters the sick person who is inclined toward misdemeanors or crimes. Frequently, too, if an ol goiatiki does not succeed in curing him through magic remedies, he is tied to a tree at some distance from the kraal, to be devoured by predatory animals.

• 734 672 [755]